

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE ESTATE OF ROGER D.	:	Case No. C-1-01-769
OWENSBY, JR., BY AND THROUGH	:	
ROGER D. OWENSBY,	:	Judge Spiegel
	:	
Plaintiff,	:	
	:	
v.	:	<b>NOTICE OF APPEAL OF</b>
	:	<b>DEFENDANTS, STEPHEN</b>
CITY OF CINCINNATI, et al.,	:	<b>TILLEY, ROBERT HEILAND</b>
	:	<b>AND CHRIS CAMPBELL</b>
Defendants.	:	

Notice is hereby given Defendants, Stephen Tilley, Robert Heiland and Chris Campbell, hereby appeal to the United States Court of Appeals for the Sixth Circuit from certain portions of an Order entered in this action on the 19<sup>th</sup> day of May, 2004, to-wit:

1. Order denying qualified immunity to Defendants, Stephen Tilley, Robert Heiland and Chris Campbell;
2. Order granting summary judgment in favor of Plaintiff against Defendants, Stephen Tilley, Robert Heiland and Chris Campbell to the extent such judgment was rendered on the basis of denying qualified immunity to said Defendants;
3. Order denying immunity to Defendants, Stephen Tilley, Robert Heiland and Chris Campbell as to Plaintiff's state law claims on the basis §2744.01, *et seq.* of the Ohio Revised Code is unconstitutional.  
(State law final order)

/s/ Wilson G. Weisenfelder, Jr.

Wilson G. Weisenfelder, Jr. (0030179)

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2004, I presented the foregoing to the Clerk of the Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following:

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